IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 16319 OF 2006

Date of decision : October 16, 2006

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Joginder Kaur .....Petitioner

Vs.

State of Punjab & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. J.S Bhatti, Advocate for the petitioner(s).
Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab.

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Viney Mittal, J. (Oral)

The petitioner has approached this Court challenging the Public Auction Notice dated October 7, 2006 issued by Amritsar Improvement Trust, Amritsar with regard to the auction of the site Shop-cum-Office no. 27, District Shopping Centre, Ranjit Avenue, Amritsar. The auction is fixed and proposed to be held today i.e on October 16, 2006. It has been averred by the petitioner that she belongs to 1984 riot victim and as such the aforesaid site of Shop-cum-Office No. 27 which according to the petitioner has been earmarked for sale to a 1984 riot victim could not be put to a

public auction.

Sh. J.S Bhatti, learned counsel appearing for the petitioner at the outset states that the petitioner would be satisfied if at this stage, Amritsar Improvement Trust, Amritsar, respondent no.3 is directed to adjudicate and decide upon the claim made by the petitioner by her being eligible as a 1984 riot victim and entitled to purchase the said site.

In view of the fair stand taken by the learned counsel for the petitioner, we dispose of the present petition with a liberty to the petitioner to approach Amritsar Improvement Trust, Amritsar through a detailed and comprehensive representation by appending all the relevant documents within a period of 2 weeks from the date a certified copy of the order is received. On filing of the aforesaid representation by the petitioner, Amritsar Improvement Trust, Amritsar-respondent no.3 shall take a final decision on the said representation within a further period of 3 months, by passing a detailed and speaking order and after affording an opportunity of hearing to the petitioner or her authorized representative.

We however, make it clear that in case any order adverse to the petitioner is passed, the petitioner would be at liberty to seek her remedies in accordance with law including the challenge to the auction of the property if it takes place in the meantime.

Copy of the order be given dasti under the signatures of the Special Secretary attached to the Bench.

(VINEY MITTAL)
JUDGE

October 16, 2006
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(H.S BHALLA)
JUDGE